



WD

RECEIVED
JUN 25 2001
TECH CENTER 1600/2900

Box 1500

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Horikoshi MAMORU et al.

Appln. No.: 09/508,418

Group Art Unit: 1652

Confirmation No.: Unassigned

Examiner: D. Steadman

Filed: June 8, 2000

For: NOVEL PROTOPORPHYRINOGEN OXIDASE TOLERANT TO PHOTBLEACHING
HERBICIDE

RECEIVED
JUN 28 2001
TECH CENTER 1600/2900

STATEMENT TO SUPPORT FILING AND SUBMISSION IN
ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825

Assistant Commissioner for Patents
Washington, D.C. 20231
Box SEQUENCE

Sir:

In connection with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

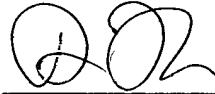
1. the submission, filed herewith in accordance with 37 C.F.R. § 1.821(g), does not include any new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same; and
3. all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true, and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by

**STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 C.F.R. §§ 1.821-1.825**

Q58140

fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: June 21, 2001



RECEIVED

JUN 28 2001

TECH CENTER 1600/2900

PATENT APPLICATION

#12
MB
06/29/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of

Horikoshi MAMORU et al.

Appln. No.: 09/508,418

Group Art Unit: 1652

Confirmation No.: Unassigned

Examiner: D. Steadman

Filed: June 8, 2000

For: NOVEL PROTOPORPHYRINOGEN OXIDASE TOLERANT TO PHOTBLEACHING
HERBICIDE

**RESPONSE TO NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID
SEQUENCE DISCLOSURES**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

This response is in regard to the Notice to Comply issued in the above referenced patent application. As the Notice to Comply was mailed June 14, 2001, and set a one month period for response, this response is timely filed as it is being filed on or before July 14, 2001.

In the Notice to Comply, the Examiner states that the present application fails to comply with the requirements of 37 C.F.R. §§1.821-1.825 because a computer readable form (CFR) of the Sequence Listing has not been submitted as required by 37 C.F.R. §1.821(e).

The Examiner further states that Applicants need to provide a CFR copy of the Sequence Listing, and a Statement that the content of the paper and computer readable copies are the same, and that they include no new matter.

RESPONSE TO NOTIFICATION TO COMPLY

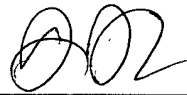
Q58140

In response, Applicants include herewith a CRF copy and a paper copy of the Sequencing Listing, a Statement to Support Filing and Submission in Accordance with 37 C.F.R. §§1.821-1.825, and a copy of the Notice to Comply.

Applicants assert that the response to the Notice to Comply and the enclosures are being timely filed, and that the enclosures bring the present application in full compliance with the requirements of 37 C.F.R. §§1.821-1.825.

Accordingly, Applicants respectfully request that the Examiner acknowledge that the Sequence Listing in the present application meets the requirements of 37 C.F.R. §§1.821-1.825.

Respectfully submitted,



Drew Hissong
Registration No. 44,765

SUGHRUE, MION, ZINN,
MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, D.C. 20037-3213
Telephone: (202) 293-7060
Facsimile: (202) 293-7860

Date: June 21, 2001



RECEIVED

JUN 28 2001

TECH CENTER 1600/2900

Application No.: 09/

NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- 7. Other: _____

Applicant Must Provide:

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE